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JUN 30 2000

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Paper No. 5

In re Application of Friss :
Appl. No.: 09/488,107 :
Filed: January 20, 2000 :
For: METHOD AND APPARATUS FOR OFFERING FOR SALE :
COLLECTIBLES ON PRIMARY AND SECONDARY :
MARKETS :
:

**DECISION ON PETITION TO
MAKE SPECIAL**

37 CFR 1.102

This is a decision on the petitions under 37 CFR 1.102, filed April 28, 2000, May 9, 2000, and June 22, 2000, to make the above-identified application special.

Petitioner requests that this application be made special under the accelerated examination procedure set forth in MPEP 708.02, Section VIII: Accelerated Examination

A grantable petition to make an application special under 37 CFR 1.102 and in accordance with MPEP 708.02, Section VIII, must be accompanied by:

- a) the required fee pursuant to 37 CFR 1.17(i),
- b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the PTO hold that the claims are not directed to a single invention,
- c) a statement that a pre-examination search has been made, listing the field of search,
- d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and
- e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter distinguishes over these references.

The petition meets the requirements for special status.

For the above stated reasons, the petition is Granted.

If the examiner can make this application special without prejudice to any possible interfering application, and the examiner should make a rigid search for such, the examiner is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any intervening application for the same subject matter, the examiner should consider such application simultaneously with this application and should state in the official letter of such application that the examiner has taken it out of turn because of a possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all PTO officials concerned, contingent like upon diligent prosecution by applicant.

The petition is granted to the extent indicated.

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